

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA LAFAYETTE - OPELOUSAS DIVISION

METHANE AWARENESS RESOURCE GROUP, DIESEL COALITION, et al.,) No. 6:96-cv-02430-RTH-MEM)
Plaintiffs,) [PROPOSED] ORDER)
v.)
UNITED STATES, et al.,)
Defendants	·))

Upon Plaintiffs' Motion for Civil Contempt (Dkt. 103), Plaintiffs' Supplemental Motion for Civil Contempt (Dkt. 111), the hearing on those motions conducted on June 17, 2010, and good cause having been shown, it is hereby ordered as follows:

- 1. Plaintiffs' aforesaid motions are hereby denied, including the requests for attorneys' fees and costs contained in those motions.
- 2. Within two business days of the date upon which the parties are notified by the Court's ECF system of the filing of this order, defendants shall send Henry J. Chajet, Esq., Patton Boggs LLP, 2550 M Street, N.W., Washington, D.C. 20037, the final drafts of the following papers, i.e., the drafts of those papers that defendants anticipate publishing in the *Annals of Occupational Hygiene (AOH)*:
 - a. The Diesel Exhaust in Miners Study: I. Overview of the Exposure Assessment Process;
 - b. The Diesel Exhaust in Miners Study: II. Exposure Monitoring Surveys and Development of Exposure Groups;

- c. The Diesel Exhaust in Miners Study: III. Interrelationships Between Respirable Elemental Carbon and Gaseous and Particulate Components of Diesel Exhaust Derived From Area Sampling in Non-Metal Mining Facilities; and
- d. The Diesel Exhaust in Miners Study: IV. Estimating Historical Exposures to Diesel Exhaust in Underground Mining Facilities.
- 3. Defendants shall send Mr. Chajet the drafts referred to in ¶ 1 by overnight courier.
- 4. During the 90 days commencing on the date that defendants send the drafts referred to in ¶ 1 to Mr. Chajet, defendants shall not make those drafts available to anyone other than *AOH*, the House Committee on Education and Labor (Committee), or an employee of the federal government with a need for those drafts in the performance of his or her duties.
- 5. Defendants shall ask AOH not to publish the drafts referred to in ¶ 1 during the 90 days commencing on the date that defendants send those drafts to Mr. Chajet.
- 6. Plaintiffs and plaintiffs' counsel, agents, or contractors shall not disclose or disseminate further the drafts referred to in ¶ 1 or the contents of those drafts during the 90 days commencing on the date that defendants send those drafts to Mr. Chajet except for the purpose of making comments about the drafts to defendants or to the Committee.

Done and signed this 23 of June, 2010, in Lafayette, Louisiana.

RICHARD T. HAIK, SR.

JUDGE UNITED STATES DISTRICT COURT